

Macco & Stern, LLP
Attorneys for the Debtors
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900
Michael J. Macco, Esq.

Hearing Date: November 10, 2015
Time: 10:00 a.m.

Objections Due: November 3, 2015
Time: 5:00 p.m.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Case No. 15-74021 (LAS)

JACK GISMONDI and
CHRISTINE ROCKSON-GISMONDI,

Debtors.
-----X

**NOTICE OF DEBTOR'S MOTION TO EXCUSE
APPEARANCE AT THE FIRST MEETING OF CREDITORS**

PLEASE TAKE NOTICE, that, by the motion (the "Motion"), dated September 28, 2015, Jack Gismondi and Christine Rockson-Gismondi (the "Debtors"), the above-referenced debtors, by and through their counsel, Macco & Stern, LLP, before the Honorable Louis A. Scarcella United States Bankruptcy Judge, Eastern District of New York, at the Courthouse located at 290 Federal Plaza, Central Islip, New York, Room 760, on November 10, 2015 at 10:00 a.m., or as soon thereafter as counsel may be heard, will move the Court for an order excusing the appearance of Christine Rockson-Gismondi ("Christine") at the First Meeting of Creditors (the "§341 Meeting") pursuant to §341 of title 11 of the United States Code (the "Bankruptcy Code"), and instead permit the §341 Meeting to be conducted only as against her husband, Jack Gismondi, the co-Debtor.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief sought in the Motion must conform to the Bankruptcy Rules and Local Bankruptcy Rules for the Eastern District of New York, as modified by any administrative orders entered in this case, and be filed with the Bankruptcy Court electronically in accordance with General Order 461, be registered

users of the Bankruptcy Court's filing system and, by all other parties in interest, on a 3.5 inch disk, in portable document format (PDF), WordPerfect, Microsoft Word DOS text (ASCII) or a scanned imaged of the filing, with a hard copy delivered directly to Chambers, and may be served in accordance with General Order 462, and upon (i) counsel to the Debtor, Macco & Stern, LLP, 135 Pinelawn Road, Suite 120 South, Melville, New York 11747; and (ii) the Office of the United States Trustee, 560 Federal Plaza, Central Islip, New York 11722, so as to be received no later than **November 3, 2015 at 5:00 p.m.**

Dated: September 24, 2015
Melville, NY

MACCO & STERN, LLP
Attorneys for the Debtors

By: _____

Michael J. Macco
A Member of the Firm
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Case No. 15-74021 (LAS)

JACK GISMONDI and
CHRISTINE ROCKSON-GISMONDI,

Debtors.
-----X

**DEBTOR'S MOTION TO EXCUSE
APPEARANCE AT THE FIRST MEETING OF CREDITORS**

Jack Gismondi and Christine Rockson-Gismondi, the above-referenced debtors (the "Debtors"), by and through their attorneys, Macco & Stern, LLP, hereby moves the Court for an order excusing the appearance of Christine Rockson-Gismondi ("Christine") at the First Meeting of Creditors (the "§341 Meeting") pursuant to §341 of title 11 of the United States Code (the "Bankruptcy Code"), and instead permit the §341 Meeting to be conducted only as against her husband, Jack Grismondi ("Jack"), the co-Debtor, and respectfully submits as follows:

1. On September 21, 2015 (the "Petition Date"), the Debtors filed a voluntary petition for relief pursuant to Chapter 7 of the Bankruptcy Code.
2. Thereafter, Kenneth P. Silverman, Esq. (the "Trustee"), was appointed the interim trustee of the Debtors' estates
3. Pursuant to Bankruptcy Code §3341, the Trustee is scheduled to conduct the §341 Meeting on October 19, 2015 at the Court.
4. Christine is under the medical care of Luigi Buono, D.O., who, by letter dated September 23, 2015 (the "Letter") has advised Christine's attendance the §341 Meeting is inadvisable. A copy of the Letter is annexed hereto as **Exhibit A**.

5. Christine has a history of lumbar stenosis, pain in thoracic spine, and pain in joint involving her lower leg.

6. Christine has also had a knee replacement.

7. Due to these conditions, it is medically inadvisable for Christine to sit for a long period of time or drive a long distance.

8. The Debtors live in Peconic, New York, over an hour away from the Court.

9. Christine's spouse, Jack Grismondi, the co-Debtor herein, is fully and personally knowledgeable about the Debtors' income and assets.

10. It is anticipated that Jack will be examined prior to the return date of this Motion and in the event the Trustee is not satisfied with Jack's testimony as it relates to Christine, the Trustee can timely object to the Motion.

WHEREFORE, the Debtors respectfully request that this motion be granted, and the requirement that Christine attend the §341 Meeting be waived, and instead permit the §341 Meeting to be conducted only as against her husband, Jack Grismondi, the co-Debtor.

Dated: Melville, New York
September 28, 2015

MACCO & STERN, LLP
Attorneys for the Debtors

By: _____

Michael J. Macco
135 Pinelawn Road, Suite 120 South
Melville, NY 11747
(631) 549-7845

EXHIBIT A

02/20/2010 16:25 FAX

004



Luigi Buono DO
7905 Main Road
Mattituck, NY 11952-0107
Phone: (631)298-2030

09/23/2015

Christine Rockson Gismondi
5655 Indian Neck Lane
Peconic, NY 11958-

To Whom It May Concern,

The above patient is under my care. She has a long history of lumbar stenosis, pain in thoracic spine and pain in joint involving lower leg. Pt also had knee replacement. Due to the above conditions, it is medically advisable that patient refrain from sitting for a long period of time or driving long distance. If you have any questions please contact my office.

Sincerely,

A handwritten signature in black ink, appearing to be "Luigi Buono", written over a circular stamp.

Provider: Luigi Buono DO 09/23/2015 03:22 PM

By: [illegible]

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

----- X
In re:

Case No. 15-74021 (LAS)

JACK GISMONDI and
CHRISTINE ROCKSON-GISMONDI,

AFFIDAVIT OF SERVICE

Debtors.
----- X

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

Carol Smith, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age, and resides in West Islip, New York.

On September 28, 2015, deponent served the within:

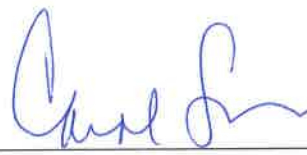
NOTICE OF DEBTOR'S MOTION TO EXCUSE APPEARANCE AT THE FIRST MEETING OF CREDITORS

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Office U.S. Trustee
Long Island Federal Courthouse
560 Federal Plaza
Central Islip, NY 11722

Kenneth Silverman, Esq.
Silverman Acampora LLP
100 Jericho Quadrangle, Ste. 300
Jericho, NY 11753

All interested parties on annexed service list



Carol Smith

Sworn to before me this
28th day of September, 2015

/s/ Loni Bragin
Notary Public
Loni Bragin
Notary Public, State of New York
No. 01BR6172194
Qualified in Suffolk County
Commission Expires August 6, 2018

290 Federal Plaza
Central Islip, NY 11722-4437

Ally
PO Box 380902
Bloomington, MN 55438-0902

Ally
Payment Processing Center
PO Box 9001951
Louisville, KY 40290-1951

Blackman - Riverhead
PO Box 9400
Uniondale, NY 11555-9400

Bridgehampton National
Bank
54970 Main Road
Southold, NY 11971

Bridgehampton National
Bank
PO Box 3005
2200 Montauk Highway
Bridgehampton, NY 11932-4001

Chase
Attn: Customer Service
Mail Code: OH4-7302
PO Box 24696
Columbus, OH 43224-0696

Chase
PO Box 15153
Wilmington, DE 19886-5153

Chase
PO Box 15298
Wilmington, DE 19850-5298

Chase
PO Box 78420
Phoenix, AZ 85062-8420

Cutchogue East Plumbing
& Heating, Inc.
5655 Indian Neck Lane
Peconic, NY 11958-1725

Discover
PO Box 6103
Carol Stream, IL 60197-6103

Discover Personal Loans
PO Box 6105
Carol Stream, IL 60197-6105

Eastern Long Island
Hospital
201 Manor Place
Greenport, NY 11944-1298

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Maggio & Maggio
1 Timothy Lane
Saint James, NY 11780-1332

Peconic Bay Medical
Center
1300 Roanoke Ave
Riverhead, NY 11901-2058

Richard Sokoloff
Attorney at Law
990 South Second Street
Suite 1
Ronkonkoma, NY 11779-7258

Ricky's Plumbing Supply
31A Ponguogue Ave.
Hampton Bays, NY 11946-1807

United States Trustee
Long Island Federal Courthouse
560 Federal Plaza - Room 560
Central Islip, NY 11722-4456

hibu Inc.
2201 Renaissance Blvd.
King of Prussia, PA 19406-2707

Christine Rockson-Gismondi
5655 Indian Neck Lane
Peconic, NY 11958-1725

Jack Gismondi
5655 Indian Neck Lane
Peconic, NY 11958-1725

Kenneth P Silverman
Silverman Acampora LLP
100 Jericho Quadrangle
Suite 300
Jericho, NY 11753-2702

SWICK
Labeta
- Address -
- Return -
- Shipping -

APPE